

1 AN ACT in relation to elections.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Election Code is amended by changing  
5 Sections 7-19, 7-46, 7-59, 25-4, and 25-7 and adding Section  
6 7-58.5 as follow:

7 (10 ILCS 5/7-19) (from Ch. 46, par. 7-19)

8 Sec. 7-19. The primary ballot of each political party for  
9 each precinct shall be arranged and printed substantially in  
10 the manner following:

11 1. Designating words. At the top of the ballot shall be  
12 printed in large capital letters, words designating the  
13 ballot, if a Republican ballot, the designating words shall  
14 be: "REPUBLICAN PRIMARY BALLOT"; if a Democratic ballot the  
15 designating words shall be: "DEMOCRATIC PRIMARY BALLOT"; and  
16 in like manner for each political party.

17 2. Order of Names, Directions to Voters, etc. Beginning  
18 not less than one inch below designating words, the name of  
19 each office to be filled shall be printed in capital letters.  
20 Such names may be printed on the ballot either in a single  
21 column or in 2 or more columns and in the following order,  
22 to-wit:

23 President of the United States, State offices,  
24 congressional offices, delegates and alternate delegates to  
25 be elected from the State at large to National nominating  
26 conventions, delegates and alternate delegates to be elected  
27 from congressional districts to National nominating  
28 conventions, member or members of the State central  
29 committee, trustees of sanitary districts, county offices,  
30 judicial officers, city, village and incorporated town  
31 offices, town offices, or of such of the said offices as

1 candidates are to be nominated for at such primary, and  
2 precinct, township or ward committeemen. If two or more  
3 columns are used, the foregoing offices to and including  
4 member of the State central committee shall be listed in the  
5 left-hand column and Senatorial offices, as defined in  
6 Section 8-3, shall be the first offices listed in the second  
7 column.

8 Below the name of each office shall be printed in small  
9 letters the directions to voters: "Vote for one"; "Vote for  
10 two"; "Vote for three"; or a spelled number designating how  
11 many persons under that head are to be voted for.

12 Next to the name of each candidate for delegate or  
13 alternate delegate to a national nominating convention shall  
14 appear either (a) the name of the candidate's preference for  
15 President of the United States or the word "uncommitted" or  
16 (b) no official designation, depending upon the action taken  
17 by the State central committee pursuant to Section 7-10.3 of  
18 this Act.

19 Below the name of each office shall be printed in capital  
20 letters the names of all candidates, arranged in the order in  
21 which their petitions for nominations were filed, except as  
22 otherwise provided in Sections 7-14 and 7-17 of this Article.  
23 Opposite and in front of the name of each candidate shall be  
24 printed a square and all squares upon the primary ballot  
25 shall be of uniform size. Spaces between the names of  
26 candidates under each office shall be uniform and sufficient  
27 spaces shall separate the names of candidates for one office  
28 from the names of candidates for another office, to avoid  
29 confusion and to permit the writing in of the names of other  
30 candidates.

31 Where voting machines or electronic voting systems are  
32 used, the provisions of this Section may be modified as  
33 required or authorized by Article 24 or Article 24A,  
34 whichever is applicable.

1 Notwithstanding any provision of this Section, a ballot  
2 listing the names of candidates for nomination to  
3 congressional office or State office, as defined in Section  
4 7-4, shall be designed to accommodate the instant runoff  
5 voting system described in Section 7-58.5.

6 (Source: P.A. 83-33.)

7 (10 ILCS 5/7-46) (from Ch. 46, par. 7-46)

8 Sec. 7-46. On receiving from the primary judges a primary  
9 ballot of his party, the primary elector shall forthwith and  
10 without leaving the polling place, retire alone to one of the  
11 voting booths and prepare such primary ballot by indicating  
12 the elector's first, second, and third choices by marking a  
13 voting square by-marking-a-cross-(X)-in-the-square in front  
14 of and opposite the name of each candidate for which the  
15 elector wishes to vote of-his-choice for each office to be  
16 filled, and for delegates and alternate delegates to national  
17 nominating conventions, and for committeemen, if committeemen  
18 are being elected at such primary.

19 Any primary elector may, instead of voting for any  
20 candidate for nomination or for committeeman or for delegate  
21 or alternate delegate to national nominating conventions,  
22 whose name is printed on the primary ballot, write in the  
23 name of any other person affiliated with such party as a  
24 candidate for the nomination for any office, or for  
25 committeeman, or for delegates or alternate delegates to  
26 national nominating conventions, and indicate his choice of  
27 such candidate or committeeman or delegate or alternate  
28 delegate, by placing to the left of and opposite the name  
29 thus written a square and placing in the square a 1, 2, or 3  
30 to indicate that the name written is the elector's first,  
31 second, or third choice, respectively cross-(X).

32 Where voting machines or electronic voting systems are  
33 used, the provisions of this section may be modified as

1 required or authorized by Article 24 or Article 24A,  
2 whichever is applicable.  
3 (Source: Laws 1965, p. 2220.)

4 (10 ILCS 5/7-59) (from Ch. 46, par. 7-59)  
5 Sec. 7-59. (a) Except as provided in Section 7-58.5 for  
6 nominations to State office and congressional office as  
7 defined in Section 7-4, the person receiving the highest  
8 number of votes at a primary as a candidate of a party for  
9 the nomination for an office shall be the candidate of that  
10 party for such office, and his name as such candidate shall  
11 be placed on the official ballot at the election then next  
12 ensuing; provided, that where there are two or more persons  
13 to be nominated for the same office or board, the requisite  
14 number of persons receiving the highest number of votes as  
15 provided in Section 7-58.5 shall be nominated and their names  
16 shall be placed on the official ballot at the following  
17 election.

18 Except as otherwise provided by Section 7-8 of this Act,  
19 the person receiving the highest number of votes of his party  
20 for State central committeeman of his congressional district  
21 shall be declared elected State central committeeman from  
22 said congressional district.

23 Unless a national political party specifies that  
24 delegates and alternate delegates to a National nominating  
25 convention be allocated by proportional selection  
26 representation according to the results of a Presidential  
27 preference primary, the requisite number of persons receiving  
28 the highest number of votes of their party for delegates and  
29 alternate delegates to National nominating conventions from  
30 the State at large, and the requisite number of persons  
31 receiving the highest number of votes of their party for  
32 delegates and alternate delegates to National nominating  
33 conventions in their respective congressional districts shall

1 be declared elected delegates and alternate delegates to the  
2 National nominating conventions of their party.

3 A political party which elects the members to its State  
4 Central Committee by Alternative B under paragraph (a) of  
5 Section 7-8 shall select its congressional district delegates  
6 and alternate delegates to its national nominating convention  
7 by proportional selection representation according to the  
8 results of a Presidential preference primary in each  
9 congressional district in the manner provided by the rules of  
10 the national political party and the State Central Committee,  
11 when the rules and policies of the national political party  
12 so require.

13 A political party which elects the members to its State  
14 Central Committee by Alternative B under paragraph (a) of  
15 Section 7-8 shall select its at large delegates and alternate  
16 delegates to its national nominating convention by  
17 proportional selection representation according to the  
18 results of a Presidential preference primary in the whole  
19 State in the manner provided by the rules of the national  
20 political party and the State Central Committee, when the  
21 rules and policies of the national political party so  
22 require.

23 The person receiving the highest number of votes of his  
24 party for precinct committeeman of his precinct shall be  
25 declared elected precinct committeeman from said precinct.

26 The person receiving the highest number of votes of his  
27 party for township committeeman of his township or part of a  
28 township as the case may be, shall be declared elected  
29 township committeeman from said township or part of a  
30 township as the case may be. In cities where ward  
31 committeemen are elected, the person receiving the highest  
32 number of votes of his party for ward committeeman of his  
33 ward shall be declared elected ward committeeman from said  
34 ward.

1           When two or more persons receive an equal ~~and-the-highest~~  
2   number of votes, at a stage of the counting of votes under  
3   Section 7-58.5 when one of the candidates is to be nominated  
4   or elected and the other candidate eliminated, for the  
5   nomination for the same office or for committeeman of the  
6   same political party, or where more than one person of the  
7   same political party is to be nominated as a candidate for  
8   office or committeeman, if it appears that more than the  
9   number of persons to be nominated for an office or elected  
10   committeeman have the highest and an equal number of votes,  
11   at a stage of the counting of votes under Section 7-58.5 when  
12   one of the candidates is to be nominated or elected and the  
13   other candidate eliminated, for the nomination for the same  
14   office or for election as committeeman, the board by which  
15   the returns of the primary are canvassed shall decide by lot  
16   which of said persons shall be nominated or elected, as the  
17   case may be. In such case such canvassing board shall issue  
18   notice in writing to such persons of such tie vote stating  
19   therein the place, the day (which shall not be more than five  
20   (5) days thereafter) and the hour when such nomination or  
21   election shall be so determined.

22           (b) Write-in votes shall be counted only for persons who  
23   have filed notarized declarations of intent to be write-in  
24   candidates with the proper election authority or authorities  
25   not later than 5:00 p.m. on the Tuesday immediately preceding  
26   the primary.

27           Forms for the declaration of intent to be a write-in  
28   candidate shall be supplied by the election authorities.  
29   Such declaration shall specify the office for which the  
30   person seeks nomination or election as a write-in candidate.

31           The election authority or authorities shall deliver a  
32   list of all persons who have filed such declarations to the  
33   election judges in the appropriate precincts prior to the  
34   primary.

1 (c) (1) Notwithstanding any other provisions of this  
2 Section, where the number of candidates whose names have been  
3 printed on a party's ballot for nomination for or election to  
4 an office at a primary is less than the number of persons the  
5 party is entitled to nominate for or elect to the office at  
6 the primary, a person whose name was not printed on the  
7 party's primary ballot as a candidate for nomination for or  
8 election to the office, is not nominated for or elected to  
9 that office as a result of a write-in vote at the primary  
10 unless the number of votes he received equals or exceeds the  
11 number of signatures required on a petition for nomination  
12 for that office; or unless the number of votes he receives  
13 exceeds the number of votes received by at least one of the  
14 candidates whose names were printed on the primary ballot for  
15 nomination for or election to the same office.

16 (2) Paragraph (1) of this subsection does not apply  
17 where the number of candidates whose names have been printed  
18 on the party's ballot for nomination for or election to the  
19 office at the primary equals or exceeds the number of persons  
20 the party is entitled to nominate for or elect to the office  
21 at the primary.

22 For purposes of Sections 7-2, 7-3, 7-8, 7-9.1, 7-10,  
23 7-14.1, 7-35, 7-52, 7-53, 7-56, 7-56.1, 7-59, 7-60, 7-60.1,  
24 and 7-63 and any other law under which a calculation is based  
25 on the total number of votes cast for an office, the  
26 calculation shall be based on the number of first-choice  
27 votes cast for the office.

28 (Source: P.A. 89-653, eff. 8-14-96.)

29 (10 ILCS 5/7-58.5 new)

30 Sec. 7-58.5. Instant runoff voting.

31 (a) Elections for the nomination of candidates for State  
32 office and congressional office, as defined in Section 7-4,  
33 and any other election where an instant runoff method is used

1 for any office, shall be conducted as described in this  
2 Section.

3 (b) The ballot shall be designed to allow an elector to  
4 vote for the elector's first, second, and third choices from  
5 among the candidates, including candidates listed on the  
6 ballot or one write-in candidate.

7 (c) Ballots shall be counted as follows:

8 (1) The elector's vote shall be assigned to the  
9 candidate marked as the elector's first choice. If one  
10 candidate receives a majority of the first-choice votes,  
11 that candidate shall be declared nominated.

12 (2) If no candidate receives a majority of the  
13 first-choice votes, the candidate receiving the fewest  
14 first-choice votes shall be eliminated. Each vote cast  
15 for the eliminated candidate shall be transferred to the  
16 candidate who was each elector's next choice on the  
17 ballot.

18 (3) Candidates with the fewest votes shall continue  
19 to be eliminated, with the votes for those candidates  
20 transferred to the candidate who was each elector's next  
21 choice on the ballot until a candidate receives a  
22 majority of the votes cast. When a candidate receives a  
23 majority of votes, that candidate shall be declared  
24 nominated.

25 (4) Notwithstanding any provision of this Section,  
26 a candidate shall be eliminated before the first tally of  
27 ballots if the candidate receives fewer than 500 votes,  
28 or fewer than 10% of the total votes cast for the  
29 nomination, whichever is less.

30 (d) An elector may vote the elector's choices as  
31 follows:

32 (1) For each office for which there are 3 or more  
33 candidates listed on the ballot, an elector may indicate  
34 3 choices.

1           (2) For each office for which there are 2  
2           candidates listed on the ballot, an elector may indicate  
3           2 choices.

4           (3) For each office for which there is one or no  
5           candidate listed on the ballot, an elector may indicate  
6           one choice.

7           (e) If all candidates for whom an elector voted on a  
8           ballot are eliminated, the ballot shall be declared exhausted  
9           and may not be considered in any continuing determination of  
10           whether a candidate for the nomination received a majority of  
11           votes cast. If the ballot of an elector does not list the  
12           elector's choices in numerical order, the elector's next  
13           clearly indicated choice in order shall be counted. If an  
14           elector's ballot assigns the same numeric choice to more than  
15           one candidate, those assignments are invalid, and the  
16           elector's vote is transferred to the next numeric choice, if  
17           any.

18           (f) If 2 or more candidates for the same nomination or  
19           election, after a recount of the votes cast, have an equal  
20           number of votes at any stage of the counting of the votes,  
21           and one of the candidates is to be eliminated, the tie shall  
22           be resolved by lot.

23           (10 ILCS 5/25-4) (from Ch. 46, par. 25-4)

24           Sec. 25-4. In case of vacancies in the offices of  
25           Governor and Lieutenant-Governor, the officer performing the  
26           duties of the office of Governor, or if there is no such  
27           officer, the Secretary of State, shall issue a proclamation  
28           appointing a day for a special election to fill such  
29           vacancies using the instant runoff method as described in  
30           Section 7-58.5, and shall issue a writ of election to the  
31           county clerks of the several counties in the state, and shall  
32           also, when necessary, call a special session of the General  
33           Assembly to canvass the votes cast at such election; but if

1 such vacancy shall occur not more than ninety (90) days  
2 before a general election for members of the legislature, the  
3 vacancies shall be filled at such general election, in which  
4 case no special session of the General Assembly to canvass  
5 the votes shall be deemed necessary.

6 (Source: Laws 1943, vol. 2, p. 1.)

7 (10 ILCS 5/25-7) (from Ch. 46, par. 25-7)

8 Sec. 25-7. When any vacancy shall occur in the office of  
9 representative in congress from this state more than 180 days  
10 before the next general election, the Governor shall issue a  
11 writ of election within 5 days after the occurrence of that  
12 vacancy to the county clerks of the several counties in the  
13 district where the vacancy exists, appointing a day within  
14 115 days to hold a special election to fill such vacancy  
15 using the instant runoff method as described in Section  
16 7-58.5.

17 (Source: P.A. 78-781.)

18 Section 10. The Illinois Municipal Code is amended by  
19 adding Sections 3.1-15-45, 3.1-15-50, and 3.1-15-55 as  
20 follows:

21 (65 ILCS 5/3.1-15-45 new)

22 Sec. 3.1-15-45. Instant runoff voting.

23 (a) Whenever the question of incorporation as a city  
24 under this Code is submitted for adoption to the electors of  
25 any territory, village, incorporated town, or city under  
26 special charter, there may be submitted at the same time for  
27 adoption or rejection the question of instant runoff voting  
28 for mayor, city clerk, city treasurer, and city councilman or  
29 alderman. The proposition shall be in the following form:  
30 Shall instant runoff voting for mayor, city clerk, city  
31 treasurer, and city councilman or alderman be adopted?

1       (b) If a majority of the votes cast on the question at  
2 any election are for instant runoff voting for mayor, city  
3 clerk, city treasurer, and city councilman or alderman, the  
4 mayor, city clerk, city treasurer, and city councilman or  
5 alderman, except as otherwise provided, thereafter shall be  
6 elected as provided in Section 3.1-15-50.

7       (c) If a majority of the votes cast on the question at  
8 any election are against instant runoff voting for mayor,  
9 city clerk, city treasurer, and city councilman or alderman,  
10 the mayor, city clerk, city treasurer, and city councilman or  
11 alderman shall be elected as otherwise provided in this Code.

12       (d) At any time after the incorporation of a city under  
13 this Code, on petition of electors equal in number to  
14 one-eighth the number of legal votes cast at the next  
15 preceding general municipal election, the city clerk shall  
16 certify the question of the adoption or retention of instant  
17 runoff voting to the proper election authority for submission  
18 to the electors of that city. The proposition shall be in the  
19 same form as provided in this Section, except that the word  
20 "retained" shall be substituted for the word "adopted" when  
21 appropriate. A question of instant runoff voting, however,  
22 shall not be submitted more than once within 32 months.

23       (65 ILCS 5/3.1-15-50 new)  
24       Sec. 3.1-15-50. Mayor, city clerk, city treasurer, and  
25 city councilman or alderman under instant runoff voting plan.

26       (a) The ballot shall be designed to allow an elector to  
27 vote for the elector's first, second, and third choices from  
28 among the candidates, including candidates listed on the  
29 ballot or one write-in candidate.

30       (b) Ballots shall be counted as follows:  
31           (1) The elector's vote shall be assigned to the  
32 candidate marked as the elector's first choice. If one  
33 candidate receives a majority of the first-choice votes,

1 that candidate shall be declared nominated.

2 (2) If no candidate receives a majority of the  
3 first-choice votes, the candidate receiving the fewest  
4 first-choice votes shall be eliminated. Each vote cast  
5 for the eliminated candidate shall be transferred to the  
6 candidate who was each elector's next choice on the  
7 ballot.

8 (3) Candidates with the fewest votes shall continue  
9 to be eliminated, with the votes for those candidates  
10 transferred to the candidate who was each elector's next  
11 choice on the ballot until a candidate receives a  
12 majority of the votes cast. When a candidate receives a  
13 majority of votes, that candidate shall be declared  
14 nominated.

15 (4) Notwithstanding any provision of this Section,  
16 a candidate shall be eliminated before the first tally of  
17 ballots if the candidate receives fewer than 500 votes,  
18 or fewer than 10% of the total votes cast for the  
19 nomination, whichever is less.

20 (C) An elector may vote the elector's choices as  
21 follows:

22 (1) For each office for which there are 3 or more  
23 candidates listed on the ballot, an elector may indicate  
24 3 choices.

25 (2) For each office for which there are 2  
26 candidates listed on the ballot, an elector may indicate  
27 2 choices.

28 (3) For each office for which there is one or no  
29 candidate listed on the ballot, an elector may indicate  
30 one choice.

31 (d) If all candidates for whom an elector voted on a  
32 ballot are eliminated, the ballot shall be declared exhausted  
33 and may not be considered in any continuing determination of  
34 whether a candidate for the nomination received a majority of

1 votes cast. If the ballot of an elector does not list the  
2 elector's choices in numerical order, the elector's next  
3 clearly indicated choice in order shall be counted. If an  
4 elector's ballot assigns the same numeric choice to more than  
5 one candidate, those assignments are invalid, and the  
6 elector's vote is transferred to the next numeric choice, if  
7 any.

8 (e) If 2 or more candidates for the same nomination or  
9 election, after a recount of the votes cast, have an equal  
10 number of votes at any stage of the counting of the votes and  
11 one of the candidates is to be eliminated, the tie shall be  
12 resolved by lot.

13 (65 ILCS 5/3.1-15-55 new)

14 Sec. 3.1-15-55. Instant runoff election validation. In  
15 any case in which a city held an election for city officers,  
16 such election is declared to be legal and valid if an instant  
17 runoff method was used, as described in Section 3.1-15-45, if  
18 the election was in other respects in conformity with law.